

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Creation of a Low Power Radio Service)	MB Docket No. 99-25
)	
Amendment of Service and Eligibility)	MB Docket No. 07-172
Rules for FM Broadcast Translator Stations)	
)	
)	

REPLY OF PROMETHEUS RADIO PROJECT
TO OPPOSITIONS TO AND COMMENTS ON PETITION FOR RECONSIDERATION

Prometheus Radio Project submits this filing in reply to the Oppositions to its Petition for Reconsideration filed in this docket by the National Translator Association (“NTA”),¹ National Public Radio (“NPR”),² and the Educational Media Foundation (“EMF”).³

**I. THE COMMISSION SHOULD MODIFY THE LANGUAGE OF
§ 73.827(A)(1) TO REQUIRE APPLICANTS TO DEMONSTRATE THE
RATIO NOT “AT ALL LOCATIONS” BUT “AT THE TRANSLATOR
RECEIVE ANTENNA”**

In its Petition for Reconsideration, Prometheus asked the Commission to modify the language of § 73.827(a)(1) to require applicants to demonstrate that the ratio of the

¹ National Translator Association, *Reply Comments*, filed Mar. 21, 2013 [hereinafter NTA Opposition].

² National Public Radio, *Comments on Certain Petitions for Reconsideration*, filed Mar. 21, 2013 [hereinafter NPR Opposition].

³ Educational Media Foundation, *Comments on Petition for Reconsideration*, filed Mar. 21, 2013 [hereinafter EMF Comments].

signal strength of the LPFM (undesired) proposal to the signal strength of the FM (desired) station is below 34 dB not “at all locations,” but instead “at the translator receive antenna.”⁴ NPR argues against this change, stating that Section 6 of the LCRA does not permit the Commission to accept an LPFM application based on a showing limited to the translator receive antenna site, because the Commission has developed a method of complying with Section 6 which relies on a potential interference zone.⁵

As an initial matter, NPR’s comments seem to misunderstand the Prometheus Petition, which was intended to clarify which calculations are required for a good-faith translator-protecting applicant exhibit when they are within the “potential interference zone.” Moreover, NPR’s objection does not obviate the physical reality that the function of an in-band translator input depends only on the signal strength at its receive antenna, and not elsewhere. To comply with “at all locations,” LPFM applicants will need to do an area-based signal strength calculation, which is an unnecessary burden compared to the point-based signal strength calculation that would be required were the Commission to adopt Prometheus’ Petition. Not only is this burden harmful to the desired accessibility of LPFM to community groups and nonprofits, but it will not technically improve the FM translator service.

Finally, we note that NTA concurs with Prometheus on this matter, arguing that the rule language should “refer to a single point which would be the receiver’s input feeding the translator” rather than all locations.⁶

⁴ Prometheus Radio Project, *Petition for Reconsideration* at 5, filed Feb. 8, 2013 [hereinafter Prometheus Petition].

⁵ NPR Opposition at 4.

⁶ NTA Opposition at 3.

II. THE COMMISSION SHOULD REQUIRE TRANSLATOR OWNERS TO UPDATE INPUT SIGNAL RECORDS

In its Petition, Prometheus asked the Commission to provide an easy method for translator owners and applicants to update their input data.⁷ NPR objects to Prometheus' request that the Commission require responsible parties to update their data, arguing that the Commission has already denied this request and therefore should dismiss the Petition. However, Prometheus submitted new data with the Petition, demonstrating that more than a thousand translator records have missing, contradictory, or incomplete data. Given the extent of the problem, we believe that consideration of this new data is clearly required in the public interest. The Commission should therefore supplement its initial statement encouraging translator owners to update their data with a more comprehensive step to improve data quality.

We note that no commenters dispute the scope or significance of the missing and contradictory data recently identified by Prometheus, and both NTA and EMF confirm the need for some additional action to improve data quality on the part of the Commission. NTA writes:

The National Translator Association agrees with Prometheus and others that FCC - Consolidated Database System (CDBS) needs to accurately reflect the receiver inputs of all translators before an LPFM filing window can proceed forward. LPFM applicants, as well as the public, will need to know how translators are being fed in order to protect FM Translator receiver inputs. NTA asks that the Commission to modify CDBS to allow for current translator owners and future translator applicants to be able to enter and modify entries within CDBS reflecting FM Translator receiver inputs,

⁷ Prometheus Petition at 7.

frequency, sources and locations. NTA feels it is necessary for the Commission to address this step and to inquire of all current translator licensees to submit current and up-to-date data reflecting how FM Translators receivers are currently being fed.⁸

EMF similarly states:

In connection with this point, EMF does not object to Prometheus' request that there be some simple path by which LPFM applicants can determine the input stations of translator stations, so that the LPFM applicants can know who they should protect. EMF agrees that the process for the submission to the FCC of such information should be simple and straightforward and well-publicized, so that translator licensees know how to provide the accurate information necessary for this information to be useful to the LPFM applicants.⁹

FM operators, listeners, and the Commission would benefit from accurate data to accomplish translator input protection in the application stage rather than when interference occurs in the field, with possibly disastrous consequences for community groups' LPFM stations. We ask for the Commission to take further measures to improve the quality of this data prior to the public notice announcing the opening of the LPFM filing window.

⁸ NTA Opposition at 4.

⁹ EMF Comments at 3-4.

III. THE COMMISSION SHOULD MODIFY 73.827(B)

Several commenters responded to our request that the Commission modify § 73.827(b) to require that the translator input signal be in use “prior to the release of the public notice announcing an LPFM application window period,” rather than at the time the LPFM station is authorized. In its response, NPR argues that “existing FM translator stations have long been entitled to protection from new LPFM stations, including to the translator station’s input signal, and Section 6 of the LCRA now requires the Commission to address the potential for predicted interference to an FM translator station’s input signal.”¹⁰ We do not dispute that existing FM translators and their input signals are entitled to protection from new LPFM stations. In fact, we argue that the rule be modified to align with the protection generally afforded to translators and other FM stations.¹¹ As currently written, this rule could render an LPFM applicant ineligible long after an application has been filed.

NTA foresees the need for translator operators and applicants to change and choose their input source “as needed, at anytime.”¹² While translators certainly may change their input signals as needed, these newly changed signals cannot be considered primary to previously filed LPFM applications. Such a primary status requiring protection would violate the co-equal status of LPFM stations and translators mandated by the LCRA.

¹⁰ NPR Opposition at 5.

¹¹ See § 73.807 (a)(1) (“An LPFM station will not be authorized initially unless the minimum distance separations in the following table are met with respect to authorized FM stations, *applications for new and existing FM stations filed prior to the release of the public notice announcing an LPFM window period*, authorized LPFM stations, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments.”(emphasis added)).

¹² NTA Opposition at 3.

We do agree with EMF that the input signals specified by prior-filed translator applications can be considered to be in use and therefore protected by later-filed LPFM applications, presuming that such data is available, accurate, and up-to-date.¹³

NTA argues that if FM translators cannot freely change input signals and have those signals protected by earlier-filed LPFM applicants, “the FM Translator could have no other choice but to cease broadcasting due to the lack of an available interference free receiver input signal.”¹⁴ Yet translator operators have a variety of technical options to improve their input sourcing, whether by changing to an out-of-band delivery method or improving in-band equipment (*e.g.*, higher-gain antennas, sharper bandpass filters, etc.). It is unreasonable that possibly capricious input signal changes on the part of translators should cause neighboring LPFMs to shoulder frequency changes, physical plant and marketing expenses, and possibly closure. A superior path, and mutually beneficial for both translator operator and LPFMs, would be agreement and possible cooperation on a sufficiently robust input-signal delivery so that future changes are less necessary, which was motivation for Prometheus’ proposal now reflected in § 73.827(a)(3).

IV. CONCLUSION

For the foregoing reasons, Prometheus urges the Commission to dismiss the above-referenced Oppositions and grant its Petition for Reconsideration.

¹³ EMF Comments at 3.

¹⁴ NTA Opposition at 3.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I, Brandy Doyle, Policy Director, Prometheus Radio Project, do hereby certify that, on April 1, 2013, pursuant to the 47 C.F.R. § 1.429, a copy of the foregoing Reply was served by first class U.S. mail, postage prepaid, on the following:

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